

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

16-CV-858-LJV-HKS
DECISION & ORDER

SIDE POCKET BILLIARDS, LLC, *et al.*,

Defendants.

On October 27, 2016, the plaintiff, Joe Hand Promotions, Inc., commenced this action under the Communications Act of 1934, 47 U.S.C. §§ 553 and 605. Docket Item 1. On February 11, 2021, this Court referred this case to United States Magistrate Judge H. Kenneth Schroeder, Jr. for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 19.

On February 24, 2022, the plaintiff moved for summary judgment under 47 U.S.C. § 605. Docket Item 22. The defendants—Side Pocket Billiards, LLC, and Justin Lindell—did not respond to the plaintiff’s motion.¹ On August 3, 2023, Judge Schroeder issued a Report and Recommendation (“R&R”) finding that the plaintiff’s motion should be granted and that the plaintiff should be awarded \$5,000 in damages, as well as \$2,850 in attorney’s fees and \$525 in costs. Docket Item 25. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

¹ In fact, it appears that the defendants have been absent from this litigation since March 10, 2021, when defense counsel failed to appear for a status conference with Judge Schroeder. See Docket Item 21.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The court must review *de novo* those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Schroeder's careful and thorough R&R as well as the plaintiff's submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Schroeder's recommendation to grant the plaintiff's motion.

For the reasons stated above and in the R&R, the plaintiff's motion for summary judgment, Docket Item 22, is GRANTED, its request for damages is GRANTED in part, and its request for attorney's fees and costs is GRANTED in part. The Clerk of the Court shall enter judgment in favor of the plaintiff against Side Pocket Billiards, LLC, and Justin Lindell in the amount of \$8,375.00. The Clerk of the Court shall close the case.

SO ORDERED.

Dated: August 21, 2023
Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE